

# PETRILLO KLEIN & BOXER LLP

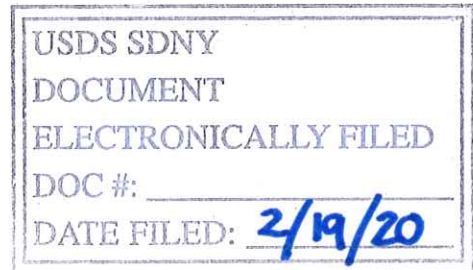
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January 29, 2020

## By ECF

The Hon. Richard J. Sullivan  
United States Circuit Judge  
U.S. Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007



**Re: *Oakley v. Dolan, et al.*, 17 Civ. 6903 (RJS)**

Dear Judge Sullivan:

We, along with co-counsel Wigdor LLP, represent Plaintiff Charles Oakley in the above-captioned matter, and we write to respectfully request reconsideration of the Court's September 5, 2019 denial (*see* Dkt. 62) of the Plaintiff's application to vacate the stay of discovery entered by the Court on March 5, 2018.

Next Saturday marks the three-year anniversary of Defendants' unlawful ejection of Mr. Oakley from Madison Square Garden on February 8, 2017. Given the amount of time that has elapsed, it is imperative that the parties be allowed to proceed with discovery to preserve all relevant evidence. For this reason, and for the reasons set forth in Plaintiff's September 4, 2019 letter to the Court (*see* Dkt. No. 61), we respectfully request that the Court vacate the stay of discovery currently in effect in this action. Given the circumstances, we further request relief from the fourteen-day requirement in SDNY Local Civil Rule 6.3 or, alternatively, ask that the Court consider this application as a new motion to vacate the stay Order predicated upon the reasons set forth in counsel's September 4, 2019 letter, Dkt. 61.

Respectfully submitted,

A handwritten signature in blue ink that reads "Nelson A. Boxer".

Nelson A. Boxer

/s/ Douglas H. Wigdor  
Douglas H. Wigdor

On September 5, 2019, the Court denied Plaintiff's September 4, 2019 motion to vacate the stay of discovery in this matter. (Doc. No. 62.) Plaintiff now moves the Court to reconsider that denial. Plaintiff's motion for reconsideration is untimely and is therefore DENIED. (See S.D.N.Y. Local Civil Rule 6.3.) To the extent that Plaintiff's letter can be construed as a new motion to vacate the stay order, that request is also DENIED as moot in light of the Court's opinion and order granting Defendants' motion to dismiss issued in tandem with this order. The Clerk of Court is respectfully directed to terminate the motion pending at document number 65.

SO ORDERED  
Dated:

2/19/20

RICHARD J. SULLIVAN  
U.S.D.J.